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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,412	12/04/2003	Ola Bostrom	AFK 26672 US	7713

7590

12/21/2005

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EXAMINER

BROWN, DREW J

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,412

Applicant(s)

BOSTROM ET AL.

Examiner

Drew J. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/4/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the security module configured for mounting on a column of a motor vehicle as recited in claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 1 is objected to because of the following informalities: In line 4 of claim 1, although the examiner understands what the language “for taking up onto, and the unwinding therefrom” is implying, the language should be worded more clearly to eliminate any misinterpretation. Also, in lines 10 and 11 of claim 1, “to effect deployment of the airbag, the take-up roller, the safety belt, and the side airbag module” should be changed to --to effect deployment of the airbag; and the take-up roller, the safety belt, and the side airbag module-- because the gas generator is only effecting the deployment of the airbag, not the other components. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Lines 4-6 of claim 9 recite that the airbag of the side airbag module exits the module housing via the exit slot in the region of an upper arm of a seat occupant seated on the vehicle seat. However, the only exit slot claimed is for the safety belt disposed in the region of an upper edge of the seat back. This renders the claim indefinite because it appears that the airbag exits a predetermined give-way location rather than a slot.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claim 9 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The non-statutory subject matter is recited in the last line of claim 9, which claims an upper arm of a seat occupant.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Putsch (U.S. Pat. No. 4,946,191) in view of Karwaczynski (U.S. Pat. No. 6,935,590 B2).

With respect to claim 1, Putsch discloses a module housing (1), a safety belt (3) to belt in a seat occupant seated in a vehicle seat in the motor vehicle, a side airbag module having an airbag (6'') inflatable into a deployed position in which it provides lateral support for the seat occupant, where the side airbag module also includes an associated gas generator (column 2, lines 43-45) for supplying compressed gas to effect deployment of the airbag. Also, the safety belt and the side airbag module are commonly mounted in the module housing (Figure 2).

Although it is old and well known in the art to have a take-up roller that winds and unwinds the safety belt, Putsch does not specifically disclose a take-up roller.

However, Karwaczynski does disclose a take-up roller (28) that is used in conjunction with a safety belt (12). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Putsch in view of the teachings of Karwaczynski to mount a take-up roller in the module housing to wind and unwind the safety belt in order to keep the occupant in a safe position during a collision.

With respect to claim 2, Putsch discloses that the security module is adapted to be mounted on a side wall of the seat back of the vehicle seat (column 2, lines 12-19).

With respect to claim 3, Putsch discloses that the module housing includes a wall disposed against the side wall of the seat back of the vehicle seat (Figures 1 and 2).

With respect to claim 4, Putsch discloses that the module housing comprises an outer surface compatibly configured with a seat cover that covers the vehicle seat (column 2, lines 48-50).

With respect to claim 5, Putsch discloses that the security module is disposed on the inboard, vehicle interior-facing, side of the seat back of the vehicle seat (column 2, lines 61-65).

With respect to claim 6, Putsch discloses that the security module is disposed on the outboard side of the seat back of the vehicle seat facing toward the body of the frame (column 2, lines 61-65).

With respect to claim 8, Putsch discloses that the belt take-up roller is disposed adjacent an exit slot formed in the module housing through which the safety belt exits the module housing

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and the side airbag module is located underneath the belt take-up roller (module at recess 5' for airbag 6").

With respect to claim 9, Putsch discloses that the module housing is disposed on, and oriented relative to, the seat back of the vehicle seat such that the exit slot for the safety belt is disposed in the region of an upper edge of the seat back (column 2, lines 30-33) and the airbag (6") of the side airbag module exits the module housing in the region of an upper arm of a seat occupant seated on the vehicle seat (Figure 5).

With respect to claim 10, Putsch discloses that the module housing comprises a predetermined give-way location operable to give way so as to provide an exit opening through which the airbag deploys from the module housing (column 2, lines 48-53).

With respect to claim 11, Karwaczynski discloses that the belt take-up roller and the side airbag module are connected to a common control for a common connection of the belt take-up roller and the side airbag module to a vehicle control system (column 4, lines 43-50).

Karwaczynski does not disclose that a socket plug connects the belt take-up roller and the side airbag module. However, it is old and well known in the art to use socket plugs to form an electrical connection between two elements. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the combination of Putsch to use a socket plug connection to reduce the manufacturing and installation costs because only one control system is needed to control both elements.

9. Claims 1-4 and 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coman et al. (U.S. Pat. No. 5,556,129) in view of Karwaczynski.

With respect to claim 1, Coman et al. discloses a module housing (126), a safety belt (129, Figure 6) to belt in a seat occupant seated in a vehicle seat in the motor vehicle, a side airbag module having an airbag (137) inflatable into a deployed position in which it provides lateral support for the seat occupant, where the side airbag module also includes an associated gas generator (claim 4) for supplying compressed gas to effect deployment of the airbag. Also, the safety belt and the side airbag module are commonly mounted in the module housing (Figure 6).

Although it is old and well known in the art to have a take-up roller that winds and unwinds the safety belt, Coman et al. does not specifically disclose a take-up roller.

However, Karwaczynski does disclose a take-up roller (28) that is used in conjunction with a safety belt (12). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Coman et al. in view of the teachings of Karwaczynski to mount a take-up roller in the module housing to wind and unwind the safety belt in order to keep the occupant in a safe position during a collision.

With respect to claim 2, Coman et al. discloses that the security module is adapted to be mounted on a side wall of the seat back of the vehicle seat (122).

With respect to claim 3, Coman et al. discloses that the module housing includes a wall disposed against the side wall of the seat back of the vehicle seat (Figure 6, the right side of housing 26 conforms to side wall 122).

With respect to claim 4, Coman et al. discloses that the module housing comprises an outer surface compatibly configured with a seat cover that covers the vehicle seat (Figure 1 and column 3, lines 40-41).

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With respect to claim 10, Coman et al. discloses that the module housing comprises a predetermined give-way location operable to give way so as to provide an exit opening through which the airbag deploys from the module housing (column 3, lines 45-48).

With respect to claim 11, Karwaczynski discloses that the belt take-up roller and the side airbag module are connected to a common control for a common connection of the belt take-up roller and the side airbag module to a vehicle control system (column 4, lines 43-50).

Karwaczynski does not disclose that a socket plug connects the belt take-up roller and the side airbag module. However, it is old and well known in the art to use socket plugs to form an electrical connection between two elements. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the combination of Coman et al. to use a socket plug connection to reduce the manufacturing and installation costs because only one control system is needed to control both elements.

10. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coman et al. in view of Karwaczynski, and further in view of Putsch.

The combination of Coman et al. and Karwaczynski discloses the claimed invention as discussed above but does not disclose that the security module is disposed on the inboard, vehicle interior-facing, side of the seat back of the vehicle seat, or that the security module is disposed on the outboard side of the seat back of the vehicle seat facing toward the body of the frame.

Putsch does disclose that the security module is disposed on the inboard, vehicle interior-facing, side of the seat back of the vehicle seat (column 2, lines 61-65) and that the security

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module is disposed on the outboard side of the seat back of the vehicle seat facing toward the body of the frame (column 2, lines 61-65).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the combination of Coman et al. in view of the teachings of Putsch to dispose the security module at either side of the seat back of the vehicle seat in order to protect the occupant from a collision at a particular angle. If the airbag deploys at the outboard side, the occupant is protected from impact with the vehicle. If the airbag deploys at the inboard side, the occupant is protected from impact with an adjacent passenger.

11. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buerkle et al. in view of Karwaczynski.

With respect to claims 1 and 7, Buerkle et al. discloses a module housing, a safety belt to belt in a seat occupant seated in a vehicle seat in the motor vehicle, a side airbag module having an airbag inflatable into a deployed position in which it provides lateral support for the seat occupant, where the side airbag module also includes an associated gas generator for supplying compressed gas to effect deployment of the airbag. Also, the safety belt and the side airbag module are commonly mounted in the module housing (column 1, lines 14-25).

Although it is old and well known in the art to have a take-up roller that winds and unwinds the safety belt, Buerkle et al. does not specifically disclose a take-up roller.

However, Karwaczynski does disclose a take-up roller (28) that is used in conjunction with a safety belt (12). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Coman et al. in view of the

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teachings of Karwaczynski to mount a take-up roller in the module housing to wind and unwind the safety belt in order to keep the occupant in a safe position during a collision.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Taubenberger et al., Amann, Rasch et al., O'Loughlin et al., Spencer et al., Curtis, Surace et al., Clancy, III et al., and Tsutsumi disclose similar side airbags.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew J. Brown whose telephone number is 571-272-1362. The examiner can normally be reached on Monday-Thursday from 7 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Drew J Brown
Examiner
Art Unit 3616

DJB


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